

MAHARASTRA STATE ELECTRICITY DISTRIBUTION

CO.LTD. KALYAN

ZONE,

KALYAN

Office of the Consumer
Grievance Redressal

Phone 1) 2210707

2) 2328283



Behind Tejashri,
Cherwanji Road,

Ext-122.

IN THE MATTER OF GRIEVANCE NO. K/E/019/0021OF 05-06
OF M/S ORGANIC PLASTIC INDUSTRIES SHAHAPUR
ASANGAON REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
ASSESSMENT OF RS 11,96,513.50 LEVIED FOR LESS
CONSUMPTION RECORDED ON METER & OTHER MATTERS
SUCH AS ENHASEMENT OF SANCTIONED LOAD & CHANGE
OF NAME OF CONSUMER ETC.

M/s Organic Plastic Industries

(Here in after

Survey No 92/1, 92/2, Plot No .9,

referred to

Shahapur Road, Asangaon, Shahapur

as consumer

Dist: - Thane

versus

Maharashtra State Electricity Distribution Co. Ltd (Here in after through its Superintending Engineer, referred to (O & M) Circle - II Kalyan as licensee)

1. Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of The Electricity Act, 2003. (36 of 2003).
- 2) The consumer is a H.T. consumer of the licensee connected to their 11 Kv network & engaged in the business of manufacturing plastic products. The consumer disputed assessment of Rs Eleven lacs ninety six thousand five hundred thirteen & paise fifty (Rs 11,96,513.50) only raised by licensee & is aggrieved for not effecting change in name, & not enhancing sanctioned load etc. The consumer registered it's grievance with forum on 9/5/2005 vide its letter dated 7/5/2005. The details of grievance are given below.

Consumer No: - 015529019871

(i)Assessment detail

<i>Period</i>	<i>Total Hrs.</i>	<i>Total Units</i>	<i>E. Charges</i>	<i>FCA</i>	<i>E. Duty</i>	<i>Total Rs.</i>
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17/6/99						
to	879.5	2,62,970	8,80,949.50	39445.50	46019.75	9,66,414.75
3/10/99						

Add 25% surcharges on E.C. and FCA=2,30,098=75, TOTAL= 11,96,513.50

Reason of dispute: - less recording of consumption during above period as per MRI report

(ii) Change in name detail

Original name of consumer: - Organic Plastic Industries

Proposed name of consumer: - Organic Plastics Pvt. Ltd

(iii) Enhancement of sanctioned load detail

Existing sanctioned load: - 523 KW

Proposed sanctioned load: - 627 KW

(iv) Refund of SLC amount

Rupees One lakh twelve thousand (Rs 1,12,000) only

- 3) The batch of papers containing above grievance was sent by forum vide letter no. 0179 dated 10/5/2005 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) All the three members of forum heard both the parties on 14/7/2005 from 15 hours to 16 hours in the meeting hall of the forum's office. Shri K.S.Shetty represented the case of consumer. Shri H.K.Randive Nodal Officer & Shri. A. E. Mhaske Assistant Engineer represented for licensee.
- 5) On receipt of letter dated 7/5/05 of consumer by forum on 9/5/05, it was noticed that there is no decision on record of an appeal made by consumer on 25/3/04 to Technical Committee at head office of the licensee. In order to know the progress in

the matter the batch of papers were sent to licensee vide letter quoted in para 2 above. The licensee on 17/5/05 issued a notice to consumer (received by consumer on 31/5/05) demanding additional security deposit of Rs 1,68,800/- with a threat of disconnecting supply for failure to pay the amount. The consumer then wrote a letter to licensee with a copy to forum on 1/6/05 & also requested forum to issue order to licensee to desist from disconnection of supply as per its prayer made in application of 7/5/05.

- 6) The forum then registered grievance on 1/6/05 & issued direction to licensee on 6/6/05 to desist from disconnection of supply of consumer till decision of forum. The first hearing in the matter was scheduled on 13/6/05 but was advanced to 23/6/05 as per request of consumer & licensee. The consumer submitted letters on 22/6/05 & 23/6/05 (received by forum on 23/6/05) requesting forum to supply MRI report & other related documents on which licensee intends to rely for assessment of disputed amount. The forum vide letter No 235 dated 23/6/05 informed Nodal Officer to supply copy of MRI report & related documents to consumer one week in advance of next date of hearing of 14/7/05. Nodal Officer did not act on this letter of forum & instead replied to forum, vide letter No 1531 dated Nil received by forum on 6/7/05, that MRI report is missing.
- 7) The chain of events for assessment of an amount of Rs. 11,96,513.50 for the consumption less recorded during the period 7/6/99 to 3/10/99 on the meter is as follows.

(i) Superintending Engineer, Kalyan Circle of the licensee issued a letter on 31st October 2000 to the consumer

(letter received by the consumer on 15th Nov.2000) claiming the above amount for consumption less recorded on meter during the above period on the following grounds,

(a) "B" Phase/"R" Phase CT shorting for 828 hours.

(b) PT missing for "R" "Y" & "B" phase for 18.5 hours.

(c) "R" / "B" Phase CT reversing for 33 hours.

Total:- 879.5 hours.

(ii) The Superintending Engineer, Kalyan Circle, vide letter dt.15/3/2001 addressed to the consumer requested for payment of above amount on or before 22nd March 2001. The consumer paid Rs.2,39,000 vide receipt no.1852034 dt.22 March 2001.

(iii) It is seen from the record that Chief Engineer, Kalyan Zone of the licensee heard the consumer on 22nd August 2003 regarding the dispute on the assessment raised by the Superintending Engineer, Kalyan Circle and passed the order vide letter no.4338 dt. 10 October 2003 addressed to the Superintending Engineer, Kalyan circle that assessment made by Circle office, Kalyan is in order.

(iv) The Superintending Engineer, Kalyan Circle Kalyan vide letter no.1144 dt, 4th March 2004 then issued a notice to the consumer to pay the remaining amount of Rs.

9,57,513-50 within 15 days from the receipt of the said letter failing which electric supply would be disconnected as per section 56 (1) of Electricity Act, 2003.

- (v) The consumer then approached the Technical committee of the licensee at their head office on 25th March 2004 (within 30 days time limit after issue of final assessment by superintending Engineer Kalyan on 4th March 2004) for quashing the assessment made by the Superintending Engineer, Kalyan Circle and upheld by the Chief Engineer, Kalyan Zone.
 - (vi) The matter is still pending with technical committee of the licensee undecided.
- 8) It is seen from the record of the licensee that the events of CT shorting, CT reversing and PT missing of one-hour duration or more were only considered and accounted for and a cumulative total of all such events was considered for charging the assessment. It is also seen that MRI details and other relevant documents were not provided to the consumer at the time of raising the assessment.
- 9) The case pertains to Dukes Arnics TOD meter. It is seen from the record that M/s. Dukes Arnics, meter manufacturer, have provided the literature on the diagnostic procedure for analysis of CT/PT status wherein it is mentioned that
- (i) many short duration abnormalities are recorded in the CT/PT status of the meter due to low tamper persistence time of 1-minute use by tamper detection algorithm. Such a short duration abnormalities occur due to system

imbalance. Therefore, a filtering becomes must to detect actual temper conditions from various abnormalities recorded by the meter.

- (ii) The abnormalities recorded by the meter can be due to 30% imbalance of load between two phases, if the voltage is less than 70% on any phase, it is recorded as PT missing.
 - (iii) If CT reversal is recorded for short duration (for less than an hour), it indicates system imbalance and/or loop currents and such cases may be ignored.
- 10) The reasons (other than tampering), as per licensee's record, for recording of events as indicated in para 7(i) could be attributed to the following.
- (i) Single phase/lighting load connected when the main plant is not operating : CT shorting event.
 - a) Excess capacitors (leading P.F) connected during low /no load periods: CT reversal events.
 - b) Opening of jumper/blowing off DO fuse on HT line : PT missing event.
- 11) Shri Shetty, during the course of hearing on 14/7/2005, did not argue the case and expressed that he is unable to argue the case unless MRI report is made available to him.
- 12) Shri Randive, Nodal officer, has stated above in letter No. 1531 that MRI report is missing.
- 13) The forum observed that abnormalities as were revealed in MRI analysis could only be taken as indicator for the events observed. The load survey report/load profile is not available

and therefore it is not possible for the forum to comment on the assessment made by licensee on the basis of abnormalities of the events observed.

- 14) The matter is pending since 1999 and cannot be kept pending for indefinite period for want of MRI reports. Forum therefore, decides to keep entire assessment of Rs.11,96,513.50 in abeyance until MRI report, load survey/load profile and other relevant data is made available by the licensee to the consumer. The forum also decides that the amount of Rs.2,39,000/- paid against the above assessment of the licensee should be refunded to the consumer.
- 15) As regards change of name, the licensee vide letter No. 1791 dated 30/7/2005 of Nodal Officer, has informed that the change of name from Organic Plastic Industries to Organic Plastic Private limited has been effected in the energy bill from January 2005 onwards.
- 16) As regards enhancement of sanctioned load from 523KW to 627KW, the licensee vide letter No. quoted in para 15 above, has informed that this will be sanctioned within 20 days.
- 17) As regards refund of SLC amount of Rs 1,12,000/-, the licensee vide same letter quoted above, as informed that this is the amount of security deposit paid by the consumer and not the SLC amount.
- 18) After going through the entire episode, the forum unanimously decided to pass the following order.

O-R-D-E-R

- 1) The assessment of Rs 11,96,513.50/- raised by the licensee for the period from 17/6/99 to 3/10/99 for the events of 828 hours of B Phase/R Phase C T shorting, 18.5 hours of P T missing of R, Y and B Phases and 33 hours of R/ B Phases CT reversing (total 879.5 hours of CT/PT status abnormalities) is, hereby, kept in abeyance until MRI report, load survey/load profile and other relevant data is made available by the licensee to the consumer or until a period of three years from the date of this order, which ever is earlier. (The period of three years has been allowed as per Limitation Act, 1963 as the case pertains to the period prior to 10/6/2003 i.e. the date on which Electricity Act, 2003 came into force.) The consumer after receipt of MRI report, load survey/load profile and other relevant data from the licensee can approach forum if still remains aggrieved with the assessment of Rs 11.96,513.50/-. The licensee should not show this amount of Rs 11,96,513.50/- in the regular bill of the consumer as arrears unless MRI report, load survey/load profile and other relevant data report is made available to the consumer. The said assessment of Rs 11,96,513.50/-, however, after the period of three years from the date of this order automatically gets null and void and cannot be claimed by the licensee.

- 2) The licensee should pass on credit of an amount of Rs 2,39,000/-, paid by the consumer to the licensee on 22/3/2001 against the above assessment of Rs 11,96,513.50/-, in the bill of the consumer from the next billing cycle onwards.
- 3) No order is passed about change of name from Organic Plastic Industries to Organic Plastic Pvt. Ltd. as the action has already been taken by the licensee.
- 4) Similarly no order is passed about enhancement of load from 523 KW to 627 KW, as licensee has intimated forum to process the sanction of load within 20 days from 30/7/2005.
- 5) No order is passed on refund of Rs 1,12,000/- as this is the amount of security deposit paid by the consumer and not the SLC amount.
- 6) Consumer can file appeal against this decision with the Ombudsman at the following address-

Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51.

Appeal can be filed within 60 days from the date of this order.
- 7) Consumer, as per section 142 of Indian Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address

Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003".

Date:- 10/8/2005

cAONSUMER

(S.H.Chaphekarande)

(Sau V.V.Kelkar)

(I.Q.Najam)

Member Secretary

Member

Chair person

CGRF Kalyan

CGRF Kalyan

CGRF Kalyan